

**REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 51-76 are pending of which new claims 64-76 are presented for examination.

**35 U.S.C. §102 Claim Rejections**

Claims 51-55 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,657,317 to Mahany et al. (hereinafter, "Mahany") (*Office Action* p.2). Applicant respectfully traverses the rejection.

Claim 51 recites "the server serving the content via the first network to the local service provider", and "a transmitter, responsive to the server, to transmit the content over a second network to the local service provider, the second network providing additional bandwidth so that the transmitter can serve the content to the local service provider in an event that the content is not served via the first network within a designated time period."

Mahany does not show or disclose a server to serve content via a first network to a local service provider and a transmitter to transmit the content over a second network to the local service provider where the second network serves the content in an event that the content is not served via the first network within a designated time period, as recited in claim 51. Mahany only describes one overall LAN system via which a roaming computing device forwards data to a host computer.

The Office contends that Mahany discloses a first network as a premises LAN and a second network as a peripheral network (*Office Action* p.2). Applicant

1 disagrees that Mahany discloses a first and second network because Mahany  
2 describes that the peripheral network is merely a component of the premises LAN.  
3 For example, Fig. 28A illustrates a premises LAN that includes a hard-wired  
4 backbone LAN 3019 and two base stations 3015 and 3017 of the LAN system  
5 (*Mahany* col.44, lines 4-9). Mahany describes that a spontaneous LAN can be  
6 created by a roaming computing device within the premises LAN and that a  
7 spontaneous LAN created between a computing device and a peripheral device is a  
8 peripheral LAN (*Mahany* col.9, line 52 to col.10, line 15). As described by  
9 Mahany, a spontaneous or peripheral LAN is simply a communication component  
10 of the premises LAN, and not a first and second network as recited in claim 51.

11 The Office cites a host computer 3011 in Mahany as Applicant's claimed  
12 storage system and server, and a roaming computing device 3007 as Applicant's  
13 claimed local service provider (*Office Action* p.2). However, Mahany only shows  
14 one network communication link via a base station over the premises LAN from  
15 the host computer 3011 to the roaming computing device 3007 (*Mahany*  
16 Fig. 28A). Contrary to the single network communication link to the host  
17 computer as shown in Mahany, claim 51 recites that the server serves the content  
18 to the local service provider via the first network and over the second network with  
19 a transmitter responsive to the server.

20 The Office indicates that Mahany discloses "a transmitter, responsive to the  
21 server, to transmit the content over a second network to the local service provider",  
22 as recited in claim 51 (*Office Action* pp.2-3). However, Mahany does not disclose  
23 any such transmitter. Mahany only describes that the roaming computing device  
24 3007 includes an RF transceiver to communicate on the premises LAN via a base  
25 station (*Mahany* col.44, lines 27-30). Additionally, a roaming computing device

1 may establish a direct RF link with a peripheral device, such as a printer, instead of  
2 communicating through the premises LAN (*Mahany* col.10, lines 5-9). However,  
3 Mahany does not disclose a transmitter to transmit the content over a second  
4 network to the local service provider in addition to a first network as recited in  
5 claim 51.

6 Accordingly, claim 51 along with dependent claims 52-56 are allowable  
7 over Mahany for at least the reasons described above and Applicant respectfully  
8 requests that the §102 rejection be withdrawn.

9  
10 **35 U.S.C. §103 Claim Rejections**

11 Claims 56-63 are rejected under 35 U.S.C. §103(a) for obviousness over  
12 Mahany (*Office Action* p.4). Applicant respectfully traverses the rejection.

13  
14 Claim 56 recites (with reference to claim 51) that "the first network is a  
15 high-speed, high-bandwidth network, and wherein the second network is a  
16 broadcast satellite network." Mahany does not teach a server serving the content  
17 via a high-speed, high-bandwidth network to the local service provider, and a  
18 transmitter, responsive to the server, to transmit the content over a broadcast  
19 satellite network to the local service provider, as recited in claim 56 (in  
20 combination with claim 51).

21 The Office recognizes that Mahany does not disclose a broadcast satellite  
22 network, but contends that one is strongly suggested (*Office Action* p.4). Applicant  
23 disagrees because Mahany describes the premises LAN within the context of a  
24 warehouse environment or a retail store environment (*Mahany* col.43, lines 3-34;  
25 col. 61, lines 12-15). There is no motivation or reason to modify Mahany to

1 implement a broadcast satellite network to communicate inventory data in a  
2 warehouse or retail store environment.

3 As described above in the response to the rejection of claim 51, the Office  
4 cites a host computer 3011 in Mahany as Applicant's claimed storage system and  
5 server, and a roaming computing device 3007 as Applicant's claimed local service  
6 provider (*Office Action* p.2). There is no indication in Mahany that host computer  
7 3011 serves content via a high-speed, high-bandwidth network and also serves the  
8 content over a broadcast satellite network to the roaming computing device 3007.  
9 Thus, Mahany does not disclose a server serving the content via a high-speed,  
10 high-bandwidth network and over a broadcast satellite network to the local service  
11 provider, as recited in claim 56 (in combination with claim 51).

12 Accordingly, claim 56 is allowable over Mahany and Applicant respectfully  
13 requests that the §103 rejection be withdrawn.

14  
15 Claim 57 recites "a server connected to the storage system to serve the  
16 content to a local service provider which provides the content to multiple clients",  
17 "a high-speed, high-bandwidth network to communicate the content from the  
18 server to the local service provider", and "a broadcast satellite network to  
19 communicate the content from the server to the local service provider."

20 As described above in the response to the rejection of claim 51 (§102  
21 rejection), Mahany does not teach or suggest a high-speed, high-bandwidth  
22 network and a broadcast satellite network to communicate the content from the  
23 server to the local service provider, as recited in claim 57. Mahany only describes  
24 one overall LAN system via which a roaming computing device forwards data to a  
25 host computer. Mahany describes that a spontaneous or peripheral LAN is simply

1 a communication component of a premises LAN, and not two different networks  
2 as recited in claim 57.

3 Further, Mahany only illustrates one network communication link via a base  
4 station over the premises LAN from the host computer 3011 to the roaming  
5 computing device 3007 (*Mahany* Fig. 28A). Contrary to the single network  
6 communication link shown in Mahany, claim 57 recites both a high-speed, high-  
7 bandwidth network and a broadcast satellite network to communicate the content  
8 from the server to the local service provider.

9 As described above in the response to the rejection of claim 56, it would not  
10 be obvious to implement the premises LAN described in Mahany as a broadcast  
11 satellite network within the context of a warehouse environment or a retail store  
12 environment (*Mahany* col.43, lines 3-34; col. 61, lines 12-15). There is no  
13 motivation to modify Mahany to implement a broadcast satellite network to  
14 communicate inventory data in a warehouse or retail store environment.

15 Further, there is no indication in Mahany that host computer 3011 serves  
16 content via a high-speed, high-bandwidth network and over a broadcast satellite  
17 network to the roaming computing device 3007. Thus, Mahany does not teach or  
18 suggest a high-speed, high-bandwidth network and a broadcast satellite network to  
19 communicate the content from the server to the local service provider, as recited in  
20 claim 57.

21 Accordingly, claim 57 along with claims 58-63 are allowable over Mahany  
22 and Applicant respectfully requests that the §103 rejection be withdrawn.  
23  
24  
25

New Claims

New claims 64-76 are presented for examination. Based on the above discussion regarding Mahany, Applicant believes that claims 64-76 are also allowable. There is no indication in Mahany of a server to serve video content via a first network to a local service provider and a transmitter to transmit the video content over a second network to the local service provider, as recited in claim 64 for example.

Conclusion

Pending claims 51-76 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. If any issues remain that preclude issuance of this application, the Examiner is urged to contact the undersigned attorney before issuing a subsequent Action.

Respectfully Submitted,

Dated: June 8, 2004

By: 

David A. Morasch  
Reg. No. 42,905  
(509) 324-9256 x 210